

## **CABO VERDE 2013 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

The government of Cabo Verde is a parliamentary representative democratic republic, largely modeled on the Portuguese system. Constitutional powers are shared between the head of state, President Jorge Carlos Fonseca, and Prime Minister Jose Maria Neves, who was serving a third term after his party won the 2011 parliamentary elections. In 2011 voters also elected President Fonseca to a five-year term. The Supreme Court and the National Electoral Commission declared the 2011 nationwide legislative and presidential elections generally free and fair. There continued to be isolated instances in which elements of the security forces acted independently of civilian control and occasionally committed human rights abuses.

There were reports of human rights problems in the following areas: cases of police violence toward prisoners and detainees, delayed trials, and violence and discrimination against women.

Other human rights problems included child abuse and some instances of child sexual exploitation and child labor.

The government took steps to prosecute and punish officials who committed abuses, but the process was lengthy. The National Police took disciplinary action against officials who acted outside the law, but nonexistence of a single authority to monitor or oversee cases or complaints made it difficult to obtain data on the number of cases. Government and other state institutions sometimes downplayed or disregarded police abuses.

#### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

##### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices. The media, however, continued to cite instances of physical violence committed against persons arrested and detained by police. In most cases authorities took action against abusers.

### **Prison and Detention Center Conditions**

Conditions in prisons and jails in general met international standards, and the government continued to allow visits by independent human rights observers.

Physical Conditions: There were no reported cases of food or potable water shortages or of inadequate sanitation, ventilation, temperature control, lighting, or medical care in prisons and detention centers.

During the year there were three deaths reported in prisons, all linked to health issues. There are five prisons in the country, and all exceeded their maximum inmate capacity (indicated in parentheses). The Central Prison of Sao Vicente had 323 inmates (180), the regional prison of Santo Antao had 60 (50); the prison on Sal Island had 30 (16), Fogo had 99 inmates (50), and the Central Prison of Praia (CCP) had 922 (880).

There were 57 female prisoners and 1,371 male prisoners as of July. There were 274 persons (270 men and 4 women) in preventive detention awaiting trial. The prison system continued to struggle with overcrowding, especially in older prisons. The government sent some prisoners to the Central Prison on Santiago Island to separate prisoners based on trial status, gender, and age.

Administration: There were no prison ombudsmen.

The Ministry of Justice, Ministry of Internal Affairs, the Cape Verdean Institute for Gender Equality and Equity (ICIEG), and the National Statistics Institute (INE) worked together to establish uniform standards for data collection and storage. The law allows for the suspension of prison sentences that do not exceed two years in nonviolent cases. If a judge agrees to a suspension, the prisoner enters a program for reintegration into society, and the offender completes work “beneficial to the community.”

Authorities at the CCP separated prisoners by gender, age, and type of crime committed, with distinction made between convicted prisoners and pretrial detainees. There were 18 disciplinary cells and two rooms for spousal visits. The facility had spaces for guards, lawyers, and educational and social reintegration trainers. There was a classroom equipped with television, a DVD player, and computers, a space for adult education, medical facilities, canteens for guards and prisoners, a library, and a space for professional training on social reintegration.

Conditions in other prisons were inadequate for inmates with mental illness and substance addictions. The number of corrections personnel to deal with the growing number of such prisoners was insufficient.

Authorities allowed prisoners and detainees access to visitors and permitted freedom of religious practice. There were no reports of impediments to the direct submission of complaints to judicial authorities concerning prison abuses. Prisoners' relatives reported some complaints. Corrections officials claimed all had been investigated and disproven.

**Independent Monitoring:** The government permitted formal visits by international human rights monitors to the prisons and individual prisoners. Local nongovernmental organizations (NGOs) and members of the press made frequent visits to prisons to record conditions.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions during the year.

#### **Role of the Police and Security Apparatus**

The National Police, under the control of the Ministry of Internal Administration, is responsible for law enforcement. The Judicial Police, under the control of the Ministry of Justice, is responsible for major investigations. Logistical constraints, including a lack of vehicles, limited communications equipment, and poor forensic capacity, continued to limit police effectiveness.

Authorities investigated police abuses, and some cases investigations resulted in legal action against those responsible. During 2012 the National Police Council received nine reports of police violence; most cases concerned physical abuse.

Two police officers were dismissed in accordance with the findings of the Disciplinary Board of the National Police.

The government provided professional training to increase police effectiveness. In 2011-12 the government provided courses on gender-based violence, which were attended by 225 police personnel. There were seven workshops, one for each of the regional National Police centers. These were part of the rollout of new policies to support victims of gender-based violence. Most of the training concerned what constituted gender-based violence, how to identify it, and what steps were needed to address it. The 2012 sessions focused more on steps police need to take to protect victims after the initial crime. The workshops followed several incidents in which women were killed after reporting their husbands.

The government took steps to address police abuse, which historically has been a problem. The internal justice system of the National Police continued to move quite slowly, however. Most cases reported during the year continued under investigation.

### **Arrest Procedures and Treatment of Detainees**

The National Police may not make arrests without a warrant issued by the Attorney General's Office, unless the person is caught in the act of committing a felony. Neither the National Police nor Judiciary Police have the authority to conduct investigations unless they are mandated by the Attorney General's Office. Despite incriminating evidence criminals are not arrested until a decision is made by the Attorney General's Office. The law stipulates a suspect must be brought before a judge within 48 hours of arrest. In most cases detainees waited more than 48 hours for their trial. The law provides a detainee the right to prompt judicial determination of the legality of the detention, and authorities respected this right. Attorneys inform detainees of the charges against them. There is a functioning bail system. Authorities allowed detainees prompt access to family members and to a lawyer of the detainee's choice if they could afford it. If the detainee or family were unable to pay, a lawyer was appointed by the Cape Verdean Bar Association.

The judicial system was overburdened and understaffed, and criminal cases frequently ended when charges were dropped before a determination of guilt or innocence was made.

Pretrial Detention: Prolonged pretrial detention remained a problem.

**e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected this provision. The judicial system, however, lacked sufficient staffing and was inefficient.

There is a military court, which cannot try civilians. The military court provides the same protections as civil criminal courts.

**Trial Procedures**

Defendants enjoy a presumption of innocence. They have the right to be informed promptly and in detail of the charges (with free interpretation as necessary). The law provides for the right to a fair and public nonjury trial without undue delay, but cases often continued for years. Defendants have adequate time and facilities to prepare a defense. Defendants have the right to be present and to consult with an attorney in a timely manner. Free counsel is provided in all types of cases, but only for those who lack sufficient funds for a lawyer. Defendants have the right not to be compelled to testify or confess guilt. Defendants have the right to confront or question witnesses against them and to present witnesses and evidence in their defense. Defendants and their attorneys have access to government-held evidence relevant to their cases and can appeal regional court decisions to the Supreme Court of Justice (SCJ). The law extends the above rights to all citizens.

**Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

**Civil Judicial Procedures and Remedies**

Courts are impartial and independent and handle civil matters including lawsuits seeking damages for, or an injunction ordering the cessation of, a human rights violation. Both administrative and judicial remedies are available.

**f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

**Section 2. Respect for Civil Liberties, Including:****a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights.

**Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

**b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

**d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

**Protection of Refugees**

Access to Asylum: Although not a signatory to the 1951 Convention relating to the Status of Refugees, Cabo Verde has acceded to the 1967 Protocol. The country, however, has yet to establish national legislation or an institutional body for granting asylum or refugee status. While very few asylum applications were registered (the UNHCR reported only two cases total in 2011 and 2012), the actual number of asylum seekers was unknown, as there is no systematic procedure in

place to register and process asylum claims. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, and it allowed the UNHCR to evaluate asylum cases. As the UNHCR does not have an established presence in the country, asylum seekers who request protection and assistance are referred by the International Organization for Migration to the UNHCR's regional representation for West Africa in Dakar, Senegal, which conducts refugee status determination.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In the 2011 legislative elections, individuals and parties were free to declare their candidacies and candidates. The ruling African Party for the Independence of Cabo Verde (PAICV) won 38 seats in the National Assembly with approximately 52 percent of the vote. The main opposition party, the Movement for Democracy (MpD), won 32 seats with 42 percent, and the Union for a Democratic and Independent Cape Verde won the remaining two seats with 4 percent. International observers characterized these elections as generally free and fair.

The presidential election also took place in 2011. Jorge Carlos Fonseca, the candidate supported by the opposition MpD, won the election with approximately 54 percent of the vote, while Manuel Inocencio Sousa, the candidate supported by the PAICV, received 46 percent.

Economic Community of West African States and African Union election observers characterized these elections as free, transparent, and credible. The observers did note some irregularities, including cases of voters being pressured near polling stations and also of vote buying.

Political Parties: Political parties acted without restriction or external interference. Individuals could declare their candidacies and parties could select their candidates without interference.

Participation of Women and Minorities: Women held 19 of the 72 National Assembly seats and occupied eight of 21 cabinet-level positions in government ministries. Women filled three of eight seats on the SCJ, and there was one female mayor in the country, elected in the 2012 municipal elections.

Male dominance in positions of power continued despite efforts to promote women's advancement. Women's participation was particularly high in positions within government, on the SCJ, and as prosecutors. At the local level, however, in community associations and on city councils, women had less representation.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: The law provides penalties of up to 15 years' imprisonment for corruption by government officials. There were no new reports of government corruption during the year. In 2009 the government created the Financial Information Unit to fight money laundering.

Whistleblower protection: The general Protection of Witnesses law establishes regulatory measures for protecting witnesses who denounce cases of corruption and others involved in the litigation process. Civil society organizations, however, and the Cape Verdean Lawyers Association questioned the law's effectiveness in practice.

Financial disclosure: The law sets parameters for public officials to submit declarations of interest, income, and family wealth, and it regulates public discussion of this information. When involved in criminal cases of alleged corruption, public officials must declare or prove the source of their income or wealth. The law defines the legal framework for public control and monitoring of the wealth of civil employees. The SCJ is in charge of monitoring the law and enforcing compliance, but enforcement was poor.

Public Access to Information: The law provides for freedom of access to governmental information without restriction, provided that privacy rights are respected. The government frequently granted access.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. The constitution stipulates that the government should create conditions for the gradual removal of all obstacles to the full exercise of human rights and equality before the law.

The law also prohibits racism, xenophobia, and other forms of discrimination, but violence and discrimination against women and children remained significant problems.

### **Women**

Rape and Domestic Violence: Rape is a crime punishable by eight to 16 years in prison. Until 2010 the criminal code framed domestic violence as a crime of abuse of a spouse, applying only in situations of common law and formal marriages, with penalties ranging from two to 13 years in prison. A “Special Law Project on Gender-Based Violence” (GBV) became law in 2011. This law was prepared by ICIEG, a government agency, with the support of the women parliamentarians and diplomatic representatives. The GBV law focuses on increasing protection of victims, strengthening penalties for offenders, and raising awareness about gender-based violence. The law calls for establishing several care centers, with financial and management autonomy, around the country, but implementation lagged due to shortage of human and financial resources. NGOs stated that during 2012 and 2013, authorities enforced the GBV law. In addition ICIEG organized a campaign to raise awareness and encourage discussion of gender issues.

Rede Sol (a network that connects civil society organizations, the National Police, health centers, hospitals, and community law centers) covered 56 percent of national territory and had representation on seven islands and in 12 of 22 municipalities. According to data from the National Statistic Institute (INE), the total number of GBV cases registered by the National Police during the 2011-12 judicial year was 4,028. Of those, 1,138 were resolved and 2,890 were pending.

Sexual Harassment: The criminal code and the GBV law criminalize sexual harassment. Penalties include up to one year in prison and a fine of up to two years' salary. Although authorities generally enforced the GBV law, statistics on prosecutions, convictions, and punishments for sexual harassment were not available.

Reproductive Rights: The civil code grants all citizens the freedom to make decisions regarding the number, spacing, and timing of their children without discrimination, coercion, or violence. All citizens had access to contraception. Family planning centers throughout the country distributed some contraceptives freely to the public. These centers provided skilled assistance and counseling, both before and after childbirth and in cases of sexually transmitted infections, including HIV. Prenatal services included ultrasound screening, tetanus vaccines, and blood tests, including HIV screening. Postnatal services included family planning and free oral/injection contraceptives.

Discrimination: The law provides equal rights to men and women. Cultural norms, traditions, and society, however, imposed gender roles that hindered the eradication of gender-based discrimination. Women generally had lower economic status and less access to management positions in public and private sector organizations. Women experienced inequality in areas such as politics and the economy. For instance, housework is not officially recognized since national statistics consider housewives inactive members of the labor force. Reportedly, in some sectors of the formal economy, women received lower salaries than men for equal work. In areas of health and education, however, indicators showed that educational achievement, life expectancy, and access to sexual and reproductive health services were higher among women.

## **Children**

Birth Registration: Citizenship can be derived by birth within the country or from one's parents. The government has a network of services, such as notary and civil identification records offices in all municipalities, and the Birth Registration Project, located in hospitals and health centers. Failure to register births did not result in denial of public services. Nonregistration of births was attributed by the government to uncertainty as to the identity of fathers, parental neglect, and a lack of information on registration in the poorest communities. The number of newly registered children decreased from 10,579 in 2011 to 8,946 in 2012. In the first half of 2013, a total of 4,158 children were registered.

Education: The government provided tuition-free and universal education for all children between the ages of six and 12. Education remained compulsory until the age of 11. Secondary education was free only to children whose families had an annual income below 147,000 escudos (\$1,820).

Child Abuse: Violence against children remained a problem. The government tried to combat it through a national network that included the Cape Verdean Institute of Childhood and Adolescence (ICCA), various police forces, the attorney general, hospitals, and health centers. The government attempted to reduce sexual abuse and violence against children through several programs such as Dial a Complaint, the Children's Emergency Program, Project Our House, Welcome Centers for Street Children, Project Safe Space, Project Substitute Family, and the creation during the year of five ICCA offices.

Data from the Children's Emergency and the Local Social Service programs indicated that in 2012 approximately 357 children were victims of violence or aggression. Of those, 40 percent were emergency cases and 28 per cent constituted bad treatment or negligence.

From January to April, 105 cases of child abuse were identified, and 105 child emergency cases were identified. Of those, 13 constituted bad treatment and eight were cases of sexual abuse.

Early and Forced Marriage: The legal minimum age of marriage is 18 years, but there was no official data on the rate of marriage for boys and girls under age 18. According to 2011 data from the INE, the average age of women when they got married was 34, while the average age of men was 38. This data showed that 46.7 percent of girls and women 12 years and older were single, compared to 55.6 percent of boys and men 12 years and older.

Sexual Exploitation of Children: The penalty for the commercial sexual exploitation of children is two to eight years in prison. The minimum age for consensual sex is 14. The law prohibits child pornography, with penalties of one to five years' imprisonment. Prostitution is legal for consenting adults, and 17-year-olds are not considered children under the law. The law also prohibits pedophilia. During the year there were no reported cases of child pornography, but there were cases of child prostitution. Past reports indicated that boys and girls, some of whom may be foreign, were exploited in prostitution in Santa Maria, Praia, and Mindelo. There were cases of sexual exploitation of children in Vila Nova and Calabaceira, neighborhoods in Praia, which were pending. Sex tourism,

at times involving prostituted children, was a growing problem. In April a German journalist and two Cape Verdeans were convicted of sexually abusing six children in 2010 and 2011. Penalties ranged between four years and six months to five years in prison, in addition to monetary compensation.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There is no Jewish community in the country, and there were no reported anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The government generally enforced these provisions, with problems remaining in a number of areas. For example, persons with disabilities faced daily obstacles that hindered their integration. Physical accessibility, communication means, and public transport appropriate for persons with disabilities often were lacking.

There was no information available during the year regarding abuse of people with intellectual disabilities or mental disabilities in prisons or psychiatric hospitals. People with physical disabilities continued to experience difficulties in accessing prison facilities such as bathrooms and other services. Inmates with mental disabilities did not have access to psychiatric care or specific therapy. The government did not legally restrict the right of persons with disabilities to vote or otherwise participate in civic affairs and public life. According to the 2010 Electoral Code, blind persons or those with physical disabilities that prevent them from voting on their own can be escorted by a citizen of their choice to cast their vote. People with intellectual or mental disabilities, however, are not allowed to vote, according to the National Commission for Elections.

The government has a quota system for granting scholarships and tax benefits to companies who employ individuals with disabilities. NGOs recognized these measures as partially effective in better integrating these citizens in society but also noted nonenforcement and inadequate regulations continued to be obstacles. Several NGOs worked to protect the interests of persons with disabilities. In February 2012 the government adopted a Law on Mobility that set technical standards for accessibility for persons with disabilities for a variety of public facilities and services.

The Ministry of Employment, Human Resources, and Youth (MERHJ) is the government organization responsible for protecting the rights of people with disabilities. The National Council on the Status of Disabled Persons works in partnership with the MERHJ as a consultative body responsible for proposing, coordinating, and monitoring the implementation of a national policy. In June the public television station introduced in its nightly news a sign language interpreter to facilitate access to the news for deaf people who sign. Through a partnership with the National Commission for Human Rights and Citizenship (CNDHC), Handicap International, and the Cape Verdean Federation of Associations of People with Disabilities (FECAD) this pilot program was launched.

The law stipulates that a quota of 5 percent of educational scholarships should be allocated to people with disabilities, but this percentage had not been reached.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was no information available on official or private discrimination against LGBT individuals in employment, occupation, housing, statelessness, or access to education or health care, and there were no reported incidents of violence against LGBT persons during the year. There are no legal or governmental impediments to the organization of LGBT events.

The Cape Verdean Association of Gays Against Discrimination organized the first ever Cape Verdean Gay Week “Mindelo Pride” in the city of Mindelo, on Sao Vicente Island, on June 25-28 to promote equality and respect for sexual diversity.

## Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law protects the rights of workers to form or join unions of their choice without previous authorization or excessive requirements, to engage in collective bargaining, and to conduct legal strikes. According to the labor code, there are essential needs of society that must be provided by businesses or companies during strikes. Services provided by telecommunications, justice, meteorology, health, firefighting, postal service, funeral services, water and sanitation services, transportation, ports and airports, private security, and the banking and credit sectors are considered indispensable.

A “Civil Need” law states the government can force the end of a strike when there is an emergency or “to ensure the smooth operation of businesses or essential services of public interest.” The law allows unions to carry out their activities without interference. The labor code provides for protection against antiunion discrimination and for the reinstatement of workers. Although government enforcement was generally effective, cases can continue for years and can be appealed with the passage of more years before resolution. The Directorate General for Labor (DGT) has a conciliation mechanism to promote dialogue.

Freedom of association and the right to collective bargaining were respected. The government protected the right to carry out union activities without interference. Worker organizations were independent of the government and political parties. There were no reports of violence, threats, or other abuses during the year by the government against union members or leaders. There was no reported evidence of antiunion discrimination. Nonetheless, public projects were contracted to private companies who hired workers directly. Workers that do not have a labor contract with public or private companies have no legal protection.

Labor unions complained the government sporadically restricted the right to strike for certain critical job categories. Other observers stated the government cooperated with the unions and did not discriminate against certain job categories.

There were no reported violations related to collective bargaining. According to the local press, few companies had adopted collective bargaining, but the International Labor Organization worked with local unions and government bodies to provide guidance on conducting a dialogue between parties.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children. Through the Labor Inspectorate (IGT), the government worked with union members, enterprises, and governmental agencies (such as ICCA, which works with children) to raise awareness and conduct inspections. During the first half of the year, the IGT carried out 837 inspections to prevent, eliminate, and reinforce actions against forced and compulsory labor.

Nevertheless, there were reports such practices occurred during the year. Migrants from Guinea-Bissau, Senegal, Nigeria, and Guinea may receive low wages and work without contracts, creating vulnerabilities to forced labor in the construction sector. Cape Verdean children labored in domestic service, often working long hours and at times experiencing physical and sexual abuse, indicators of forced labor (see also section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The legal minimum age for work is 15 years. The labor code does not allow children ages 15 to 18 to work more than 38 hours a week or more than seven hours a day. The constitution provides that underage children can work only on small household tasks, in apprenticeship or training programs, or to help support the family. Children 16 to 18 are allowed to work overtime in an emergency. In these cases, however, children cannot work more than two overtime hours a day, and these extra hours cannot exceed 30 hours a year. The law defines work to be abolished or the worst form of child labor as work engaged in by children under the age of 15 and/or dangerous work performed by children between the ages of 15 and 17.

Several laws prohibit child labor, but enforcement was neither consistent nor effective. Barriers, mostly cultural, remained to the effective implementation of

these laws. For example, not all citizens considered children working to help support their families as a negative thing, especially in small, remote communities.

The ICCA, DGT, and IGT worked on matters pertaining to child labor. The ICCA works on the promotion and defense of the rights of children and adolescents. The DGT creates labor market policy and drafts labor legislation to ensure the promotion of social dialogue and reconciliation between social partners. The IGT has the responsibility to monitor and enforce labor laws and enforces rules relating to labor relations. Those agencies stated they had adequate resources. During the year the government (through the DGT, IGT, and ICCA) continued to carry out training activities for local staff and awareness campaigns to combat child labor, particularly in its worst forms, and consulted with local businesses.

The first preliminary survey conducted by INE on child labor in the country, published during the year, revealed that 7.1 per cent of the child population (8,683 of 135,689) were engaged in the worst forms of child labor (the study was conducted between October and December 2012). The worst forms of child labor were more common in rural areas (91.3 percent) than urban areas (84 percent). Child labor was also higher for boys (8.8 percent) than girls (5.3 percent).

Incidence of child labor in Fogo and Santiago was higher than the national average at 10.3 and 9.2 percent, respectively. Children engaged in street work, including in water and food sales, car washing, and begging. The worst forms of child labor included street work, domestic service, agriculture, fishing, animal husbandry, trash picking, garbage and human waste transport, and peddling drugs for adults.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The law does not stipulate a minimum wage. The government defines the poverty income level as 105 escudos (\$1.30) a day. The law stipulates a maximum of eight hours of work per day and 44 hours per week. The law requires rest periods, the length depending on work sector. The minimum rest period is 12 hours between workdays. The law also provides for daily and annual overtime hours granted in exceptional circumstances. The law states a worker is entitled to 22 business days of paid vacation. Overtime must be compensated with at least time and a half pay. The worker, however, can replace up to half of his/her holidays through an agreement with the employer.

The law sets minimum occupational and safety standards and gives workers the right to decline to work if working conditions pose serious risks to health or physical integrity. In specific high-risk sectors, such as fishing or construction, the government can and often does provide, in consultation with unions and employers, specific occupational safety and health rules. In general it is the employer's responsibility to ensure the workplace is secure, healthy, and hygienic. The employer must also develop a training program for workers. During the year, through the IGT the government made efforts to reduce work accidents and illness at work by carrying out more inspections and awareness campaigns to promote a culture of prevention and safety at work. The DGT and IGT are charged with implementing labor laws. Seven technicians worked for the DGT and 14 worked for the IGT, covering three islands (Santiago, Sao Vicente, and Sal). Both agencies agreed with trade unions that these numbers were inadequate, and there remained a need for tighter enforcement of labor standards, especially on the more sparsely populated islands where monitoring was more difficult. Even though companies tended to respect laws on working hours, many employees, such as domestic workers, health professionals, farmers, fishermen, and commercial workers, commonly worked for longer periods of time than the law allows.

According to the *IGT 2012 Annual Report*, most irregularities detected during labor inspections related to nonsubscription to Social Security, nonsubscription to Mandatory Insurance for Job Injury, and some irregularities in complying with health and safety standards.

According to the *IGT 2013 First Semester Report*, inspections revealed the most common work violations concerned the right to vacation time and the right to rest periods between work periods. Specific data, however, on wages and hours of work was not available. Nonetheless, the report indicated the IGT made 837 inspections, and inspectors identified 400 irregularities across the nine islands in all sectors, 281 of which required intervention. Although there were no official studies available, some sources speculated foreign migrant workers were more likely to be exploited than others.

Between 17,000 and 22,000 immigrants (mostly from the Economic Community of West African States) were working in the country. Most were men, but the number of immigrant women recently increased. There was no official data, but most immigrants were between the ages of 20 and 40 and lacked higher job qualifications but played important roles in the economy. Generally they worked in civil construction, security services, hospitality, and tourism. It was common

for companies not to honor workers' rights regarding contracts, especially concerning deductions for social security.

According to the IGT, during the first half of the year there were 83 work-related accidents, a decrease of 33.1 percent compared to the first half of 2012 when 124 cases were reported. No official data was available on the number of workplace deaths. The restaurant business/food services, steel industry, and the construction sector had the most work accidents reported during the year.